

## WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: FINANCE, PERSONNEL & HIGHER EDUCATION

DATE: JUNE 30, 2016

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS CONOVER  
SEEGER  
SOKOL  
SIMPSON  
MERLINO  
GIRARD  
FRASIER  
BEATY  
MCDEVITT  
BRAYMER

**OTHERS PRESENT:**

KEVIN GERAGHTY, CHAIRMAN OF THE BOARD  
BRIAN REICHENBACH, COUNTY ATTORNEY  
AMANDA ALLEN, CLERK OF THE BOARD  
FRANK THOMAS, BUDGET OFFICER  
SUPERVISORS LEGGETT  
MACDONALD  
MONTESI  
WOOD  
JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR  
MIKE SWAN, COUNTY TREASURER  
ROBERT LYNCH, *DEPUTY COUNTY TREASURER*  
JACKIE FIGUEROA, COUNTY HUMAN RESOURCES DIRECTOR  
PATRICIA NENNINGER, PERSONNEL OFFICER  
JEFFERY TENNYSON, SUPERINTENDENT  
DON LEHMAN, *THE POST STAR*  
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

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**COMMITTEE MEMBERS ABSENT:**

SUPERVISOR DICKINSON

*Please note, the following contains a summarization of the June 30, 2016 meeting of the Finance, Personnel & Higher Education Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <http://www.warrencountyny.gov/gov/comm/Archive/2016/finance/>*

Mr. Conover called the meeting of the Finance, Personnel & Higher Education Committee to order at 9:00 a.m.

Motion was made by Mr. Girard, seconded by Mrs. Frasier and carried unanimously to approve the minutes of the previous Committee meeting, subject to the correction by the Clerk of the Board.

Copies of the meeting Agenda were distributed to the Committee members and a copy of same is on file with the meeting minutes.

Commencing the Agenda review, Mr. Conover offered privilege of the floor to anyone present wishing to address the Committee on any matter.

Mr. Montesi spoke, requesting that the Committee consider permitting the County's legal counsel to work on a settlement agreement with Siemens pertaining to the co-generation issue. He stated his opinion that a sufficient amount of data had been presented regarding the matter which warranted the County moving forward with a settlement and he asked for a show of hands to reflect how many of the Committee members agreed with him.

A discussion ensued, following which it was determined since the matter concerned possible litigation it would be considered further at the end of the meeting during an executive session wherein personnel matters would also be discussed.

Moving on to the Action Agenda, Mr. Conover offered privilege of the floor to any SUNY Adirondack representatives wishing to address the Committee. There being no SUNY Adirondack representatives present, he moved on to Agenda Item 2, which requested approval of the transfers of funds as attached for Committee approval.

Motion was made by Mr. Simpson, seconded by Mr. McDevitt and carried unanimously to approve the

request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting. Moving on, privilege of the floor was offered to Patricia Nenninger, *Personnel Officer*, to address the Committee concerning Agenda Item 3B which pertained to a request to amend the Table of Organization and Salary Schedule to delete the position of Personnel Aide (PT) and create the positions of Civil Service Technician I, *Annual Salary \$42,000*, and Test Administrator, *part-time \$18.00 per hour*, effective July 18, 2016, as well as for permission to fill both positions due to creation. Ms. Nenninger provided a brief overview of staffing changes within her Department which included a resignation earlier in the year and a retirement anticipated for later in the year; she added that the requests presented were part of a reorganization of staff due to the changes mentioned.

Mr. Beaty asked whether there were funds available within the current budget to cover the cost of the positions and Ms. Nenninger replied in the affirmative. She explained there would actually be a savings, but said she was unsure of how much at this time.

Motion was made by Mr. Simpson, seconded by Mr. Sokol and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

Returning to Agenda Item 3A, Mr. Conover pointed out that the agenda included the monthly report provided on vacancies filled since the last Committee meeting; he encouraged anyone with questions to contact the Human Resources Department.

Mr. Conover apprised Agenda Item 4 included a request from the County Treasurer to fill the vacant position of Account Clerk #1 (19 hours), *Grade 4, Annual Base Salary pro-rated to \$12,838*, due to resignation. Mike Swan, *County Treasurer*, stated the position was a necessity for his office for customer service and security purposes and he noted that the Office was already understaffed.

Motion was made by Mr. Merlino, seconded by Mr. Girard and carried unanimously to approve the request and authorize Mr. Swan to fill the vacant position.

Mr. Conover advised Agenda Items 5A-B consisted of referrals from the Criminal Justice & Public Safety Committee, *Sheriff*, which he outlined, as follows:

- 5A) Request to appropriate \$9,500 from the *Computer Reserve Fund*, A.895.00, to Budget Code A.3110 220.1, Sheriff's Law Enforcement, Office Equipment-Reserve, for the purchase of computers and related equipment and software.

Motion was made by Mr. Simpson, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

- 5B) Request to amend the County Budget in the amount of \$31,750 to reflect the receipt of 2016 grant funds from the New York State Governor's Traffic Safety Committee. *Note: this request was not previously reviewed and approved by the Criminal Justice & Public Safety Committee because the need to amend the budget was identified after the Committee meeting was held. This item has been added to the current agenda with the approval of both Supervisor Wood, Chair of the Criminal Justice & Public Safety Committee, and Supervisor Conover, Chair of the Finance, Personnel & Higher Education Committee.*

Motion was made by Mr. Merlino, seconded by Ms. Braymer and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

Moving along, Mr. Conover apprised Agenda Items 6A-D pertained to the following referrals from the Health, Human & Social Services Committee:

- 6A) *Office for the Aging*- Request to amend the Table of Organization and Salary Schedule to create

the new position of Specialist, Office for the Aging #2, *Grade 10, Annual Base Salary \$34,675*, and to delete the existing position of Nutrition Services Coordinator #2, *Base Salary \$42,038*, effective July 18, 2016, as well as to fill the new position of Specialist, Office for the Aging #2. This position will be fully funded by State and Federal grant funds.

Motion was made by Ms. Seeber, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

- 6B) *Public Health*- Request to amend the County Budget in an amount totaling \$7,508 to reflect cost of living adjustment funds provided for various grants within the Disease Program.

Motion was made by Mr. Simpson, seconded by Mr. Sokol and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

- 6C) *Public Health*- Request to authorize enrollment in a job-related course: Jodi Brynes, RN, to enroll in "Leadership and Management for Nurses Core Competencies for Quality Care" course at Chamberlain College of Nursing (Course Term: May 2, 2016 - June 27, 2016; Cost: \$2,590). If this request is approved, Ms. Brynes would be due reimbursement of 50% of course costs upon completion with a grade of "C" or better.

Motion was made by Mr. Girard, seconded by Mr. McDevitt and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

- 6D) *Veterans' Services*- Request for a Contingent Fund transfer in the amount of \$1,002.95 to cover payout to the Director of Veterans' Services for 31.5 hours of unused vacation time accrued in 2015. Authority to make the payout was provided by Resolution No. 261 of 2016, however, the funds are not available within the existing Veterans' Services Budget.

Mr. Conover advised for informational purposes the current balance of the Contingent Account was \$74,000.

Motion was made by Ms. Braymer, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

Mr. Conover apprised Agenda Items 7A-B pertained to the following referrals from the Park Operations & Management Committee:

- 7A) Request to appropriate funding in the amount of \$2,642.21 from Budget Code A691.07, *Deferred Revenue Gaslight Village Parking Fees*, to Budget Code A.1625 413, *Gaslight Village Property, Repair & Maintenance*, to reimburse the Village of Lake George for various maintenance expenses and equipment purchases for the Charles R. Wood Park Festival Commons and authorizing such reimbursement to the Village of Lake George.

Motion was made by Mr. Merlino, seconded by Ms. Braymer and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

- 7B) Request to amend the County Budget in the amount of \$3,500.10 to reflect receipt of an insurance recovery for damages to a light post at the Charles R. Wood Park.

Motion was made by Mr. Merlino, seconded by Ms. Braymer and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

Mr. Conover reported Agenda Items 8A-B pertained to the following referrals from the Public Works, DPW, Committee:

- 8A) Request to authorize the County Treasurer to close Capital Project No. H298, *Stony Creek*

*Projects*, and return the estimated remaining funds of \$1,224 to the General Fund.

Motion was made by Mr. Simpson, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

- 8B) Request to amend the County Budget in the amount of \$31,526.26 to reflect the receipt of an insurance recovery payment received June 20, 2016 for repairs to a 2000 Champion Grader.

Motion was made by Mr. Girard, seconded by Mr. Merlino and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

Mr. Conover advised Agenda Item 9 consisted of a referral from the Support Services Committee, *County Attorney*, requesting a Contingent Fund transfer totaling \$52,400 to update Amicus Attorney client management software (\$2,400) and to provide funding for contracted legal fees which far exceed the amount budgeted for 2016 (\$50,000).

Brian Reichenbach, *County Attorney*, spoke about his Department's budgetary needs, explaining the Amicus software upgrade was required to update their current program which was now failing due to a need for the upgrade. He stated the bulk of the funding request was for three separate legal expenses two of which were with Bartlett Pontiff for matters related to the co-generation issue and for labor relations and the third was with Lemire Johnson for separate litigation. He noted that the funding request was based upon the amounts spent for each of the three matters last year and the lack of funding in the 2016 budget to meet these costs.

A discussion ensued following which a motion was made by Ms. Braymer and seconded by Mr. Girard to approve the request.

Ms. Seeber questioned it was reasonable to delay transferring funds for the legal fees associated with the co-generation matter, due to the concerns associated with it and Mr. Reichenbach replied that there was a sufficient amount of money remaining to cover the expenses that would be billed for the work performed over the past month. He reiterated this request was made based on the fact that the amount budgeted this year was less than what was expended last year for services rendered on this matter.

Ms. Braymer exited the meeting at 9:24 a.m.

Mr. Thomas interjected a suggestion that the monies be expended from the Unassigned Fund Balance rather than the Contingent Fund, as the County Attorney's Office had under expended their 2015 budget by more than \$100,000 which was returned to the General Fund.

As Ms. Braymer had made the motion on the floor and was currently absent from the meeting, Mr. Conover suggested that the Committee vote down the motion on the floor. He called the question and the motion to approve the transfer of funds as presented for the County Attorney's Office failed by a unanimous vote of those Committee members in attendance.

Ms. Braymer re-entered the meeting at 9:27 a.m.

Motion was made by Mr. Girard, seconded by Mr. Merlino and carried unanimously to approve an appropriation of funding in the amount of \$43,400 from the Unassigned Fund Balance to the County Attorney Budget and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting. (*Note: The motion made by the Committee reduced the transfer requested by \$9,000 to remove anticipated costs relating to co-gen matters*).

Proceeding with the Agenda review, Mr. Conover apprised that Items 10A-C pertained to the following referrals from the Tourism & Occupancy Tax Coordination Committee:

- 10A) Request to appoint Joanne Conley as Director of Tourism effective July 18, 2016 at a salary of \$70,000 - \$75,000; the final salary amount is to be determine subsequent to a salary study.

Mr. Merlino stated a determination on the salary for the position would be made prior to the July 15<sup>th</sup> Board Meeting.

Motion was made by Mr. Merlino, seconded by Mrs. Frasier and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

Mr. Conover acknowledged Mr. Merlino for his efforts in assisting the Tourism Department over the last year, noting a number of improvements had been made. Mr. Merlino attributed the improvements to the work of the staff, who went above and beyond their job descriptions to ensure the Department ran smoothly.

- 10B) Request to amend the Table of Organization and Salary Schedule to delete the existing position of Senior Tourism Specialist, *Grade 6, Annual Base Salary \$36,871*, and create and fill the new position of Communications Assistant, *Grade, Annual Base Salary and effective date to be determined by Personnel Officer pending review*.

Motion was made by Mr. Merlino, seconded by Mr. McDevitt and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

- 10C) Request to amend the Salary Schedule to reduce the salary of the Assistant Tourism Coordinator position from \$48,874 to a range of \$40,000 - \$45,000 effective July 18, 2016; the final salary amount is to be determined subsequent to a salary study.

Motion was made by Mr. Sokol, seconded by Mrs. Frasier and carried unanimously to approve the request and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

Continuing to Agenda Item 11, Mr. Conover pointed out that the agenda packet included a reporting of the transfers approved by the County Administrator's Office since the last meeting. He noted this was an informational item which required no action.

Privilege of the floor was extended to Mr. Reichenbach to discuss Agenda Item 12 which pertained to the introduction of proposed Local Law No. 5 of 2016 to extend the Additional Mortgage Recording Tax in Warren County and authorizing public hearing for same. He distributed copies of the proposed Local Law and provided an overview of same, noting that once the Governor signed the necessary Bill, Warren County could enact the law. *A copy of proposed Local Law No. 5 of 2016 is on file with the meeting minutes.*

Motion was made by Mr. Simpson, seconded by Mr. Girard and carried unanimously to authorize a resolution introducing proposed Local Law No. 5 of 2016 and setting public hearing for same to be presented at the July 15<sup>th</sup> Board Meeting.

Moving on, Mr. Conover pointed out that Section V of the agenda included one personnel-related pending item, as follows:

***Personnel -***

- 1) Proposed Resolution No. 146 of 2016, *concerning salary adjustments for Deputy Department Heads when filling in for a Department Head vacancy*, was tabled at the March 18<sup>th</sup> Board Meeting and referred back to the Finance, Personnel & Higher Education Committee for review and revision.

No update was provided relative to the pending item.

Concluding the agenda review, Mr. Conover noted Section VI. of the agenda included a listing of the vacancies approved for filling by the various oversight Committees since the last Finance, Personnel & Higher Education Committee meeting.

Mr. Conover reminded the Committee members that an executive session was necessary to discuss the County Administrator vacancy, as well as potential litigation matters.

Mr. Girard interjected that prior to entering into executive session he would like to introduce the idea of compensating the Chairman of the Board for the additional work he had taken on as acting County Administrator during the time that the position had been vacant. Mr. Girard made a motion to this effect, which was seconded by Mr. Merlino.

Chairman Geraghty stated he was uncomfortable being present during this discussion and exited the meeting at 9:37 a.m.

A discussion ensued, at the conclusion of which Mr. Conover stated that because this matter concerned the employment history of a particular person it was appropriate discussion for closed session and he suggested they continue to debate the matter in executive session. In order to do so, he suggested that a motion be made to table the motion on the floor. Mr. Girard indicated he had no objection to this suggestion as long as the matter would be picked up again upon exiting executive session.

Motion was made by Mr. Girard, seconded by Mr. Merlino and carried unanimously to table the motion on the floor.

Mr. Conover once again announced an executive session was necessary, the purpose of which he clarified as being: to discuss the County Administrator vacancy and matters leading to the appointment of a particular person; to discuss the employment history of a particular person, specifically regarding compensating the Chairman of the Board for serving as acting County Administrator; and matters pertaining to possible litigation regarding the Siemens co-generation matter.

Motion was made by Ms. Seeber, seconded by Mr. Beaty and carried unanimously to enter into an executive session pursuant to Sections 105(d) and (f) of the Public Officer's Law.

Executive session was held from 9:39 a.m. until 11:10 a.m.

Mr. Sokol exited the meeting and Chairman Geraghty re-entered during the executive session.

Upon reconvening, Mr. Conover announced no action was taken during the executive session.

A motion was made by Ms. Seeber and seconded by Ms. Braymer to refrain from continuing the search or hiring any of the candidates who had applied for the County Administrator position at this time.

Ms. Braymer noted for the record the reason they were foregoing the search had no relation to the qualifications of the candidates being considered, but rather because the Committee was re-evaluating the position to determine whether it was necessary and what other options could be explored. Mr. Conover mentioned that letters to this effect thanking the candidates for applying would be sent.

There being no further discussion, Mr. Conover called the question and the motion on the floor was carried by unanimous vote.

Mr. Conover requested a motion to remove from the table the request to compensate the Chairman of the Board for the additional work he had taken on as the acting County Administrator. The necessary motion was made by Mr. Girard, seconded by Mr. Merlino and carried unanimously to remove the matter from the table.

Motion was made by Mr. Girard, seconded by Mr. Merlino and carried unanimously to authorize compensation in the amount of \$1,000 per month to the Chairman of the Board for the additional workload related to serving as the acting County Administrator until the vacancy was filled and the necessary resolution was authorized for the July 15<sup>th</sup> Board Meeting.

Mr. Conover acknowledged Chairman Geraghty for a job well done as the acting County Administrator, stating he felt he deserved recognition for such.

There being no further business to come before the Finance, Personnel & Higher Education Committee, on motion made by Ms. Seeber and seconded by Ms. Braymer, Mr. Conover adjourned the meeting at 11:13 a.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board